

COX WOOTTON LERNER GRIFFIN & HANSEN LLP

NORMAND R. LEZY 6297-0

E-Mail: nlezy@cwlfirm.com
Davies Pacific Center, Suite 1099
841 Bishop Street
Honolulu, Hawaii 96813
Telephone: (808) 744-7020
Facsimile: (808) 744-7030

Attorney for Defendant
SAFEWAY INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DAVID S.M. JOHNSON,

Plaintiff,

vs.

SAFEWAY INC., a Delaware
corporation, JOHN DOES 1-5, JOHN
DOE CORPORATIONS 1-5, JOHN
DOE PARTNERSHIPS 1-5, ROE
NON-PROFIT ORGANIZATIONS 1-
5, and ROE GOVERNMENTAL
AGENCIES 1-5,

Defendants.

CIVIL NO. 16-00488
(Other Non-Vehicle Tort)

**NOTICE OF REMOVAL;
EXHIBITS "A"- "B";
CERTIFICATE OF SERVICE**

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII:

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant

SAFEWAY INC. (“SAFEWAY”) files this Notice of Removal in the case now pending in the Circuit Court of the Second Circuit, State of Hawaii, styled DAVID S.M. JOHNSON v. Safeway Inc., et al., Civil No. 16-1-0381(2). As grounds for removal, SAFEWAY states as follows:

1. On July 5, 2016, Plaintiff DAVID S.M. JOHNSON (“PLAINTIFF”) filed a complaint in Civil No. 16-1-0381(2) in the Circuit Court of the Second Circuit, State of Hawaii, against SAFEWAY.

2. Upon information and belief, SAFEWAY states that no other party has been named or appeared in the action.

3. SAFEWAY was served with the complaint on August 11, 2016.

4. In his complaint, PLAINTIFF alleges that SAFEWAY is liable to him for damages in connection with an injury while on SAFEWAY premises.

5. In his complaint, PLAINTIFF alleges that “Plaintiff DAVID S.M. JOHNSON was a citizen and resident of the County of Maui, State of Hawaii.”

6. In his complaint, PLAINTIFF alleges that “[SAFEWAY] is and was a Delaware corporation doing business in the County of Maui, State of Hawaii as the Safeway supermarket in Kahului, Maui, Hawaii.

7. In his complaint, PLAINTIFF prays for general damages, special damages, and punitive damages against SAFEWAY.

8. Upon information and belief, including discussions with PLAINTIFF's counsel, PLAINTIFF's alleged damages exceed the sum or value of \$75,000.00.

9. This court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different States within the meaning of 28 U.S.C. §1332.

10. A true and correct copy of PLAINTIFF's complaint filed in the Circuit Court of the Second Circuit, State of Hawaii, is attached hereto as Exhibit "A", and comprises all process, pleadings, and orders served upon SAFEWAY in the action.

11. A true and correct copy of SAFEWAY answer to PLAINTIFF's complaint filed in the Circuit Court of the Second Circuit, State of Hawaii, is attached hereto as Exhibit "B".

WHEREFORE, Defendant SAFEWAY INC. prays that the above-entitled action be removed from the Circuit Court of the Second Circuit, State of Hawaii, to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, September 6, 2016.

/s/ Normand R. Lezy
NORMAND R. LEZY
Attorney for Defendant
SAFEWAY INC.